

# Notice of Allowability

Application No.

10/823,107

Examiner

Amelia A. Owens

Applicant(s)

CARPINO ET AL.

Art Unit

1625

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 10/20/2005.
2. ☒ The allowed claim(s) is/are 1-4,13-17,31,33,36-38,45,46,51,52,57,58 and 77-82.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other no drawings filed. 

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arlene Musser on January 24, 2006.

The application has been amended as follows:

**Claim 1** (claims filed 10/20/2005) line 21 replace 'a 3- to 8-' with --- a 3- to 6'

**Claim 2** line 3 replace 'a 3- to 8-' with --- a 3- to 6'

**Claim 45** line 5 replace 'R<sup>1a</sup>' with ----R<sup>1c</sup>----

(at page 5) line 8 replace 'a 3- to 8-' with --- a 3- to 6'

**Claim 78** line 3 replace 'a 3- to 8-' with --- a 3- to 6'

Support for the change is found in the specification @ page 4 lines 1-6 and page 12 lines 3-7.

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

1. Claims 59-76 have been canceled as being directed to nonelected invention. Applicants reserve the right to file divisional application to the nonelected invention.
2. New claims 78-82 have been added. Claims 1-4, 13-17, 31, 33, 36-38, 45, 46, 51, 52, 57, 58, 77-82 are pending.
3. The rejection of claims 1, 4, 13, 31, 33 under 35 USC 102(b) is dropped as the claims have been amended and/or canceled. The claimed compounds were tested for binding. See

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specification pages 76 lines 6-8. Cannabinoid receptor antagonists are known to treat obesity. See Black, SC, Cannabinoid receptor antagonists and obesity, PMID: 15134279 (2004).

4. The rejection of claims 59-76 under 35 USC 112 1<sup>st</sup> paragraph is dropped as the claims have been canceled.

5. The rejection of claims 68,72 under 35 USC 101 is dropped as the claims have been canceled.

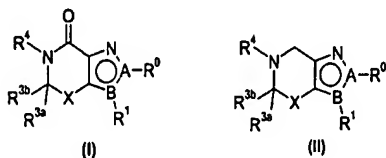
6. Claims 1-4,13-17,31,33,36-38,45,46,51,52,57,58,77-82 are allowed. The prior art neither teaches nor suggests the claimed compounds. In the absence of any evidence or apparent reason why the claimed compounds do not possess the disclosed utility, the allegation of utility in the specification must be accepted as correct. In re Kamal et al, 158 USPQ 320; Ex parte Krenzer, 199 USPQ 227. See above paragraph 3.

7. Definitions of the variables is found at specification page 10 line 23 thru page 15 line 29.

8. Copending application 10/853993 has the same filing date, 4/12/2004, has not been acted on and is directed to pyrazolo[3,4-d]pyridazine compounds and not pyrrolo[3,4-c]pyrazoles.

9. Copending application 10/822988 has the same filing date, 4/12/2004, and has not been acted on and is directed to pyrazolo[3,4-c]pyridines.

10. Copending application 10/823152 has the same filing date, 4/12/2004, and is directed to similar compounds depicted below, where X is a bond. In the instant application 10/823107 X is C(R2a)(R2b) giving pyrazolo[3,4-c]pyridines instead of the pyrrolo[3,4-c]pyrazoles of 10/823152.



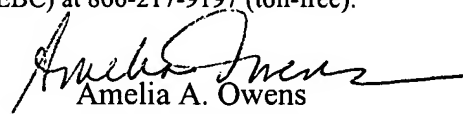
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia A. Owens whose telephone number is 571-272-0690. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia J. Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Amelia A. Owens  
Primary Examiner  
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